

## RULE IMPACT STATEMENT

### **210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety [AMENDED]**

**a. What is the purpose of the proposed rule change?**

The purpose of this rule is to implement the requirements of 70 O.S. § 1-125, requiring the State Board of Education to adopt rules implementing the policies and prohibitions identified in the statute regarding access to school restrooms and locker rooms. Since the statute was enacted with an emergency, the Board adopted an emergency rule. The emergency rule will expire automatically on September 14, 2023, unless superseded by this permanent rule.

**b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**

The rule change will directly affect students and employees of public school districts.

**c. What classes of persons will benefit from the proposed rule change?**

The rule change will benefit students by ensuring compliance with the provisions of 70 O.S. § 1-125 and school districts and school communities by providing clarity relating to the process for determinations of non-compliance that may lead to a reduction in funding for a school district, as provided for in the statute.

**d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

**e. What is the probable cost to the agency to implement and enforce the proposed rule change?**

While it is not anticipated that the proposed rule will substantially increase costs to the agency, until 70 O.S. § 1-125 has been in effect for some time, the actual costs that may be incurred by the agency to implement and enforce the proposed rule cannot be predicted with reliability.

**f. What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

**g. Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

The agency anticipates passage of this permanent rule will protect the public health, safety, and environment as a result of implementation of the proposed rule at this time. This rule is proposed to ensure compliance with the requirement that multiple occupancy school restrooms and/or changing areas be designated for the exclusive use of the male or female sex and that a single-occupancy restroom or changing room is also available to students, in the interest of promoting student safety. Additionally, the rule assures school districts determined to be noncompliant are provided due process.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

Failure to implement the proposed rule at this time could result in a lack of clarity regarding the implementation of 70 O.S. § 1-125 and could encourage noncompliance, either intentional or inadvertent, jeopardizing student safety and potentially harming due process for districts.

- k. **Date Prepared:** March 27, 2023